

EUC Agenda Item 14
(Energy Conservation Audit and Disclosure)
ECAD ORDINANCE AMENDMENT
Comments of Austin Tenant's Council and
Texas Ratepayers' Organization to Save Energy
By: Kathy Stark
April 18, 2011

The proposed amendment to §6-7-23 of the Energy Conservation and Disclosure Ordinance (ECAD) will do nothing to change the high energy bills paid by many residents in Austin who rent from owners of the high use facility properties that use 150% or more energy than the average facility.

If the high energy use facility variance amendment is adopted by City Council, low and moderate income households who are looking to rent need fair warning. The current proposed amendment does nothing to provide more rigorous disclosure requirements for owners of high energy usage facilities. When seeking to rent an apartment an individual should be made aware of the existence of high energy usage facilities and what that means about the energy bills the tenant will pay while living in the complex.

The timing of the variance disclosure is important and must be provided early in the process normally followed when renting an apartment. Prospective tenants should get the high energy usage information on a time schedule that allows them to back out of the deal with no negative consequences. A full disclosure of the variance and its impact on utility bills must be provided before a prospective tenant pays any nonrefundable amounts toward an application or lease.

We recommend that the status of an apartment complex as a High Energy Use Facility be included with the Application Disclosure that all rental property agents must

present to prospective tenants under state law. The disclosure must include the following information:

- A statement that the complex is a high energy use facility meaning that the energy use of the facility is 150% or more higher per square foot than the average and the date on which the complex was declared a high energy use facility.
- A statement that the owner requested a variance because it was impossible to bring the building into compliance by reducing the average energy consumption per square foot down by 20%.
- A statement that the prospective renter can expect to have high utility bills and an indication of how much higher their bills may be.
- If the owner prefers not to provide the disclosure the owner will at the time of the variances approval offer all bills paid contracts to any new and existing month to month tenants until energy efficiency improvements are made and the complex reduces its energy use per square foot to 110% of the average.